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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,926	03/08/2004	Natarajan Ramachandran	D-1107 R2 CIP3	1788
28995	7590	06/27/2005		
RALPH E. JOCKE			EXAMINER	
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MEDINA, OH 44256			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/795,926	RAMACHANDRAN, NATARAJAN	
	Examiner	Art Unit	
	April A. Taylor	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 February 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 20 is/are allowed.
- 6) Claim(s) 1-6 and 10-19 is/are rejected.
- 7) Claim(s) 7-9 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed 28 February 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 10, 11, 14, and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Waller et al (US 2001/0051922) (hereinafter Waller).

Re claim 1, 2, 10, and 16: Waller teaches an ATM machine comprising:

(a) requesting an amount of cash from a transaction system, wherein the amount of cash has a cash value, wherein the transaction system includes a network, wherein the network includes at least one ATM, and wherein the at least one ATM includes at least one cash dispenser device;

(b) transmitting account data corresponding to a customer account from a portable hand-held device via wireless communication to the transaction system, wherein the hand-held device includes programmable memory, wherein the memory includes the account data, wherein the hand-held device comprises a phone;

(c) associating at least the cash value to the customer account as payment for the amount of cash;

(d) operating the at least one ATM to dispense the requested cash via the at least one cash dispenser device;

(e) determining the ability of the ATM to dispense the requested amount of cash; and

(f) operating the network to instruct the ATM to dispense the requested cash responsive to receiving an inputted specific code from a customer. (See page 1, paragraph 21 to page 2, paragraph 29; page 3, paragraph 58 to page 4, paragraph 76)

Re claim 3: Waller teaches prior to (a), establishing communication between the phone and the transaction system (see page 4, paragraphs 75-76).

Re claim 4: Waller further teaches dialing a phone number with the phone to establish communication between the phone and the transaction system (see page 4, paragraphs 75-76).

Re claim 5: Waller further teaches requesting an amount of cash via the phone (see page 4, paragraphs 75-76).

Re claim 6: Waller further teaches transmitting data corresponding to an ATM identifier via the phone, wherein the ATM identifier corresponds to a particular ATM (see page 4, paragraphs 75-76).

Re claim 14: Waller teaches prior to (c) determining via the transaction system that the transmitted data is acceptable for the requested amount of cash (see page 4, paragraphs 63-66).

Re claim 17: Waller teaches operating the transaction system to make the code available to the customer (see page 4, paragraphs 75-76; page 5, paragraph 83).

Re claim 18: Waller teaches transmitting the code from the transaction system to the phone (see page 4, paragraphs 70 and 75-76; page 5, paragraph 83).

Re claim 19: Waller teaches wherein the network includes a plurality of ATMs, wherein (d) includes operating the network to instruct the ATM and at least one other ATM on the network to dispense the requested cash responsive to receiving the code (see page 3, paragraph 57; page 4, paragraphs 75-76; page 5, paragraph 83).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waller et al (US 2001/0051922) (hereinafter Waller). The teachings of Waller have been discussed above.

Re claim 12: Waller fails to specifically teach or fairly suggest wherein the memory includes one of charge account data and debit account data; and transmitting the charge account data or debit account data to the transaction system. However, Waller teaches deducting the cash from an account held by the user, wherein the account may be a bank account (see page 2, paragraph 29; page 5, paragraph 77). The Examiner takes Official Notice that it is well known in the art that bank accounts includes charge account data and/or debit account data. Furthermore, it would have

been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a memory including charge account data or debit account data; and the step of transmitting the charge account data or debit account data to the transaction system in order to ensure that the money is deducted from the correct account.

Re claim 13: Waller fails to teach or fairly suggest wherein the memory includes signature data; and transmitting the signature data to the transaction system. However, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a memory including signature data; and the step of transmitting the signature data to the transaction system in order to effectively identify the user conducting the transaction.

Re claim 15: Waller fails to specifically teach or fairly suggest wherein the ATM is located in a retail establishment. The Examiner takes Office Notice that it is well known in the art for ATM machines to be located in various locations such as banks, malls, grocery stores, etc. Furthermore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to have a ATM machine located in a retail establishment in order to make it more convenient for a customer to withdraw cash while shopping at a retail establishment and to prevent a customer from leaving the retail establishment if cash is needed.

Allowable Subject Matter

6. Claims 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claim 20 is allowable over the prior art.
8. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, taken alone or in combination, fail to teach or fairly suggest, in conjunction with other limitations in the claims, wherein the phone includes a camera for capturing an image of the ATM identifier via the camera; and transmitting data corresponding to the image to the transaction system via the phone.

Response to Arguments

9. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Clark (US 6,793,134) discloses a self-service terminal having a wireless communication port for interacting with a user's portable device.

Ashizaki et al (JP 2001297198) disclose a monetary processing system incorporated in portable telephone.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to April A. Taylor whose telephone number is (571) 272-2403. The examiner can normally be reached on Monday - Friday from 6:30AM - 4:00PM.

Art Unit: 2876

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [april.taylor@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AAT
20 June 2005


THIEN M. LE
PRIMARY EXAMINER